

S.R. 179 - By Glasgow: Extending best wishes to Ira B. Clements.

S.R. 180 - By Caperton: Extending congratulations to Robert Clark.

S.R. 181 - By Caperton: Extending congratulations to Mrs. Lova (Ed) Wearden.

S.R. 184 - By Doggett: Expressing appreciation to Pinky Smith McKetta for her dedication to the clients of the Austin State School and their families.

S.R. 186 - By Brooks: Extending welcome to The Honorable Mike Shibano.

S.R. 187 - By Brooks: Extending welcome to Yvonne Ideus.

ADJOURNMENT

On motion of Senator Mauzy the Senate at 6:00 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(August 6, 1981)

H.C.R. 29

H.C.R. 34

Sent to Governor
(August 10, 1981)

S.C.R. 2

S.C.R. 22

SIXTEENTH DAY

(Tuesday, August 11, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Glasgow.

A quorum was announced present.

The Reverend Michael White, David Chapel, Missionary Baptist Church, Austin, offered the invocation.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Short.

CO-AUTHOR OF SENATE BILL 35

On motion of Senator Caperton and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 35.

REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

H.B. 113
S.B. 41

Senator Blake submitted the following report for the Committee on Administration:

H.C.R. 8
H.C.R. 33
H.C.R. 38
H.C.R. 42

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 32
H.C.R. 31
H.C.R. 19
H.C.R. 18
H.B. 30
H.B. 126
S.C.R. 28
S.B. 21

MESSAGE FROM THE HOUSE

House Chamber
August 11, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 3, Relating to the regulation and taxation of bingo games; providing penalties.

S.C.R. 10, Directing the Texas State Artist selection committee to study alternative procedures for selecting the state artist.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 28** and House conferees are: Benedict, Chairman; Staniswalis, Uher, Delay, Geistweidt.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 3, To Committee on State Affairs.

SENATE RESOLUTION 185

Senator Parker offered the following resolution:

S.R. 185, Congratulating Sharon McKern on her literary achievements.

The resolution was read and was adopted.

GUEST PRESENTED

Senator Parker was recognized and presented Ms. McKern to the Members of the Senate, and she was welcomed as a guest today.

SENATE RESOLUTION 191

Senator Sarpalius offered the following resolution:

S.R. 191, Commending Ronald Christopher Ward for his outstanding service to the Senate.

The resolution was read and was adopted.

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator McKnight yesterday.

Senator Andujar moved confirmation of the nominees reported by the Subcommittee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The nominees as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 29, Nays 0.

Absent: Santiesteban.

Absent-excused: Glasgow.

On motion of Senator McKnight and by unanimous consent, all necessary rules were suspended in order that the nomination of William J. Taylor, to be a Member of the Polygraph Examiners Board, was added to the report of the Subcommittee on Nominations.

On motion of Senator McKnight, Mr. Taylor was confirmed by the following vote: Yeas 29, Nays 0.

Absent: Santiesteban.

Absent-excused: Glasgow.

MESSAGE FROM THE HOUSE

House Chamber
August 11, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 14, Relating to the conservation of the mineral resources of this state.
(With amendment)

H.C.R. 46, Directing Parks and Wildlife Department to refrain from removal of the station in Franklin Mountains State Park.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE HOUSE JOINT RESOLUTION 1 ON THIRD READING

Senator Jones moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.H.J.R. 1, Amending the constitution to repeal the state property tax for permanent improvements at institutions of higher education.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The resolution was read third time and was finally passed by the following vote: Yeas 23, Nays 7.

Yeas: Andujar, Blake, Brooks, Caperton, Doggett, Harris, Jones, Kothmann, Leedom, Mauzy, McKnight, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Brown, Farabee, Howard, Meier, Mengden, Richards, Wilson.

Absent-excused: Glasgow.

SENATE RULE 74a SUSPENDED

On motion of Senator Sarpalius and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendment to S.B. 14.

SENATE BILL 14 WITH HOUSE AMENDMENT

Senator Sarpalius called S.B. 14 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Kubiak

Amend S.B. 14 by striking all below the enacting clause and substituting the following:

SECTION 1. The Legislature of the State of Texas finds that:

- (1) it is in the public interest of the people of Texas to conserve its mineral resources;
- (2) the encouragement of the use of a gasoline and alcohol mixture meeting the specifications of this Act is in furtherance of the public interest; and
- (3) the public interest of this state will be served by creating the gasoline and alcohol mixture fund, transferring money to that fund, and providing for credits or payments in accordance with this Act.

SECTION 2. Subchapter B, Chapter 153, Tax Code, is amended by adding Section 153.123 to read as follows:

Sec. 153.123. GASOLINE AND ALCOHOL MIXTURES: SPECIAL FUND AND TAX CREDITS AND PAYMENTS. (a) On or before the 25th day of each month, the comptroller shall determine from appropriate reports prescribed by the comptroller and furnished during the prior month by distributors the number of gallons of first sales or uses of a mixture of gasoline and alcohol that meets the specifications provided in Subsection (e) of this section and shall transfer from the general revenue fund to the gasoline and alcohol mixture fund, which is hereby created, the following amounts:

- (1) until January 1, 1987, five cents per gallon on the first sale or use of that mixture;
- (2) from January 1, 1987, through December 31, 1987, four cents per gallon on the first sale or use of that mixture;
- (3) from January 1, 1988, through December 31, 1988, three cents per gallon on the first sale or use of that mixture;

(4) from January 1, 1989, through December 31, 1989, two cents per gallon on the first sale or use of that mixture;

(5) from January 1, 1990, through December 31, 1990, one cent per gallon on the first sale or use of that mixture; and

(6) on and after January 1, 1991, no amount of transfers to the gasoline and alcohol mixture fund may be made.

(b) On the effective date of this section, the comptroller shall estimate the amount of credit to be claimed within the subsequent 60 days and shall transfer that amount of money to the gasoline and alcohol mixture fund.

(c) A distributor required by this subchapter to make and keep records of motor fuel sales, distributions, uses, or consumptions and who is required to make reports to the comptroller shall include separately in the records and reports, in the detail as the comptroller may prescribe, the sale, distribution, use, or consumption of the gasoline and alcohol mixture defined in Subsection (e) of this section. The records and reports shall include the amount of all alcohol manufactured or purchased as a motor fuel blending agent.

(d) A distributor may claim a credit on the first sale or use of the gasoline and alcohol mixture described in Subsection (e) of this section or on the gasoline used for mixing with ethyl alcohol if the mixture meets the specifications described in Subsection (e) of this section, in the amount per gallon transferred to the gasoline and alcohol mixture fund as specified in Subsection (a) of this section. The distributor may take the credit on his monthly Texas gasoline distribution report. Thereafter, the comptroller shall promptly transfer funds from the gasoline and alcohol mixture fund to the highway motor fuel tax fund in the amount of the credits allowed to distributors. If a claim is based on gasoline used for mixing with ethyl alcohol, the comptroller may require the person making the claim to include in the claim the total number of gallons of ethyl alcohol produced or purchased and not thereafter resold or distributed as ethyl alcohol and any other information deemed necessary. The forms to be used, the procedure for filing, and the time within which a claim for credit must be instituted are the same as those set forth for claims for refund of taxes provided in Sections 153.120 and 153.121 of this code, with any modifications that the comptroller determines to be appropriate to accomplish the purposes of this section.

(e) The mixture of gasoline and alcohol for which transfers, credits, or payments shall be made under this section shall meet the following specifications:

(1) the mixture must contain at least 10 percent ethyl alcohol;

(2) the alcohol added to the gasoline must have been at least 192 proof when added;

(3) the alcohol added to the gasoline must have been produced or distilled from a renewable source only; and

(4) except as provided by Subsection (f) of this section, the mixture must contain no alcohol that was produced or distilled outside the state.

(f) If the comptroller certifies that another state provides an exemption from that state's taxes applicable to gasoline or a credit or refund for taxes collected or an amount in lieu of taxes collected on a mixture of gasoline and alcohol, and if the other state's exemption, credit, or refund allowance applies to a mixture that includes alcohol produced or distilled in Texas, and if the alcohol produced in the other state meets the specifications provided by Subsections (e)(1), (2), and (3) of this section, then the specifications for the mixture for which transfers shall be made to the gasoline and alcohol mixture fund and for which credits or payments shall be made shall include mixtures that include alcohol produced and distilled in the other state or in Texas and the

other state. However, if a mixture of alcohol produced or distilled in another state and gasoline qualifies under this subsection for a transfer and a credit, the amount of the transfer and credit under this section for the mixture may not exceed the amount of the exemption, credit, or refund (stated in or converted to cents for each gallon of the mixture) provided by the state in which the alcohol was produced or distilled.

SECTION 3. This Act takes effect January 1, 1982.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Sarpalius moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 41 ORDERED NOT PRINTED

On motion of Senator Jones and by unanimous consent, S.B. 41 was ordered not printed.

SENATE BILL 41 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 41, Relating to an appropriation to Texas Southern University.

The bill was read second time and was passed to engrossment.

SENATE BILL 41 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

SENATE RESOLUTION 195

Senator Traeger offered the following resolution:

WHEREAS, An outstanding state employee whose hard work and friendly disposition are widely recognized throughout the Capitol, Lois Root is resigning her current employment at the end of this session after 19 years as executive secretary for Senator John Traeger; and

WHEREAS, Beginning state employment in 1954, this noteworthy woman exemplifies efficiency and diligence, and she has been an invaluable aid, not only to Senator Traeger, but also to the countless constituents who have benefitted from her help and her expertise; and

WHEREAS, It is appropriate for the members of the Texas Senate to take this opportunity to recognize her unique talents and commendable service; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, 1st Called Session, hereby commend Lois Root on her outstanding service to the state, and most especially to this legislature, and extend to her sincere best wishes for all her future endeavors; and, be it further

RESOLVED, That an official copy of this resolution be prepared for her as an expression of high regard from the members of the Senate of the State of Texas.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Traeger and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RULE 96(h) SUSPENDED

On motion of Senator Brown and by unanimous consent, Senate Rule 96(h) was suspended as it relates to the Conference Committee Report on S.B. 28.

CONFERENCE COMMITTEE REPORT SENATE BILL 28

Senator Brown submitted the following Conference Committee Report:

Austin, Texas
August 11, 1981

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 28 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BROWN, CHAIRMAN
SANTIESTEBAN
MEIER
WILSON

KOTHMANN

On the part of the Senate

BENEDICT, CHAIRMAN

STANISWALIS

UHER

DELAY

GEISTWEIDT

On the part of the House

CONFERENCE COMMITTEE REPORT SENATE BILL 28

Senator Brown submitted the following Conference Committee Report:

**A BILL TO BE ENTITLED
AN ACT**

relating to creation, organization, personnel, administration, powers, duties, operations, and financing of the Brazoria County Watershed Drainage District No. 3, the Brazoria County Watershed Drainage District No. 4, and the Brazoria County Watershed Drainage District No. 5, to certain duties of the Texas Department of Water Resources, to certain activities of persons within a district, and to procedures for dissolution of districts or parts of districts; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

- (1) "District" means a district created under this Act.
- (2) "Board" means the board of directors of a district.
- (3) "Director" means a member of a board of a district.
- (4) "Plan" means a district drainage plan.
- (5) "Local government" means a county, city, town, district or authority created under Article III, Sections 52(b)(1) and (2), or Article XVI, Section 59, of the Texas Constitution, or any other political subdivision of this state.
- (6) "Person" means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal entity.
- (7) "Department" means the Texas Department of Water Resources.
- (8) "Commissioners court" means the Commissioners Court of Brazoria County.

SECTION 2. CREATION OF DISTRICTS AUTHORIZED. On approval at the election held under Section 4 of this Act, the Brazoria County Watershed Drainage District No. 3, the Brazoria County Watershed Drainage District No. 4, and the Brazoria County Watershed Drainage District No. 5 are created pursuant to Article XVI, Section 59, of the Texas Constitution.

SECTION 3. BOUNDARIES OF DISTRICT. (a) The boundaries of the Brazoria County Watershed Drainage District No. 3 are as follows:

Beginning at the intersection of the North line of the Gulf, Colorado & Sante Fe Railroad right-of-way with the Brazoria-Galveston County line;

Thence, Southeasterly following the Brazoria-Galveston County line to its intersection with the shore line of West Bay;

Thence, Southwesterly following the Brazoria-Galveston line across West Bay to an inner corner of Brazoria County and a Westerly corner of Galveston County at or near San Luis Pass;

Thence, in a straight line to the North bank of Titlum Tatum Bayou (which separates Mud Island from Tit Tat Island) at its mouth on the East shore line of Mud Island;

Thence, South across the mouth of said bayou to the Southerly bank thereof on the East shore line of Tit Tat Island;

Thence, following the Easterly, Southeasterly and Westerly shore lines of Tit Tat Island to the Westerly opening of Titlum Tatum Bayou at the mouth of said bayou on the Southerly bank thereof;

Thence, Northerly across the mouth of said bayou to the Northerly bank thereof on the West shore line of Mud Island;

Thence, following the Westerly shore line of Mud Island to the Westerly opening of the old intra-coastal waterway (which old waterway crosses the Northerly tip of Mud Island) to the mouth of said waterway on the Easterly bank of said waterway;

Thence, Westerly across the mouth of said waterway to the Westerly bank thereof;

Thence, continuing along the Westerly shore line of Mud Island to the Easterly bank of the cut separating Mud Island from the mainland;

Thence, Westerly across the mouth of said cut to the Westerly bank thereof on the mainland;

Thence, following along the West Bank of said cut and the West & South banks of West Bay, Chocolate Bay and Chocolate Bayou in a Northwesterly direction to an intersection with the Southeastern line of Section #2, J. F. Perry and E. Austin Survey, Abstract #107, produced Southwesterly;

Thence, in a Northeasterly direction along the Southeastern line of Section #2, J. F. Perry and E. Austin Survey, Abstract #107, produced Southwesterly, to the center of Chocolate Bayou;

Thence, following the center line of Chocolate Bayou in a Northwesterly direction to an intersection with Abstract #11, Henry Austin Survey #2, Coastal Development Company Subdivision, beginning on the northeast corner of Tract #16;

Thence, proceeding Westerly along the North line of Lot 16, 15, 14, and 13 to the Southeast corner of Lot 7, Texas Colonization Co. Subdivision, then proceeding North to the Northeast corner of Lot 7;

Thence proceeding Westerly on the North line of Lot 7, 10, 15B, 15A, 18, 37, 36, 33, 32, 27, 31, 34, 39, to the South Texas Irrigation Canal;

Thence, in a Northwesterly direction following South Texas Water Company irrigation canal;

Thence, following the North line of Section 6, Abstract #533, (at which point said canal turns North), continuing to follow in a Westerly direction the North line of Section 6, Abstract #533; Section 12, Abstract #536; Section 11, Abstract #327; Section 12, Abstract #44 to old State Highway 288;

Thence, following the old State Highway 288 in a Northerly direction along the Brazoria-Fort Bend County line to the Brazos River Authority Canal System "A";

Thence, following the Brazos River Authority Canal System "A" in an Easterly direction to County Road 89;

Thence, proceeding in a Southerly direction to the Northeast line of the E. Little Survey, Abstract #320;

Thence, proceeding in a Southeasterly direction to County Road 98, following said road to the Northwest corner of Tract 23A, Thomas Spraggins Survey, Abstract #366;

Thence, proceeding in a Westerly direction on the North line of Tracts 23A and 23; then South on the West line of Tract 23, Tract 1 and 2 of the Thaddeus M. Boggs Subdivision; Tracts 24, 25, 26, 27, and 28, to the Southeast corner of 29A, in Abstract #366;

Thence, proceeding in a Northeasterly direction along the Southeast line of Tract 29A;

Thence, proceeding in an Easterly direction on Tract 30 to County Road 99 on the Northwest line of Abstract #177 and the Southeast line of Abstract #366;

Thence, proceeding in a Westerly direction on County Road 99 to County Road 145;

Thence, proceeding in a Southeastern direction on County Road 145 to the Southeast corner of Tract 1B; then East on the Southeast line of Tracts 1B, 1, 3, 4, and 5 to County Road 541 in Abstract #177;

Thence, following County Road 541 in an Easterly direction to County Road 144;

Thence, proceeding along County Road 144 in an Easterly direction to the Brazos River Authority Canal System "A";

Thence, following the Brazos River Authority Canal System "A" in an Easterly direction to State Highway 35;

Thence, following State Highway 35 in a Northerly direction to County Road 133, proceeding in an Easterly direction to the Brazoria-Galveston County line;

Thence, in a Southerly and Southwesterly direction with said county line to its intersection with the North right-of-way line of the Gulf, Colorado & Santa Fe Railroad to the place of its beginning.

(b) The boundaries of the Brazoria County Watershed Drainage District No. 4 are as follows:

Beginning at the intersection of Brazoria County Road 133 with the Brazoria-Galveston County line;

Thence, proceeding North to the junction of the Brazoria-Galveston County line in the center of Clear Creek;

Thence, proceeding in a Westerly direction with Harris-Brazoria County line and Clear Creek, turning South on the Harris-Brazoria County line to the junction with Brazoria-Fort Bend County line;

Thence, Southerly with the Brazoria-Fort Bend County line to its junction with the Brazos River Authority Canal System "A";

Thence, following the Brazos River Authority Canal System "A" in an Easterly direction to County Road 89;

Thence, proceeding in a Southerly direction to the Northeast line of the E. Little Survey, Abstract #320;

Thence, proceeding in a Southeasterly direction to County Road 98, following said road to the Northwest corner of Tract 23A, Thomas Spraggins Survey, Abstract #366;

Thence, proceeding in a Westerly direction on the North line of Tracts 23A and 23; then South on the West line of Tract 23, Tracts 1 and 2 of the Thaddeus M. Boggs Subdivision; Tracts 24, 25, 26, 27, and 28 to the Southeast corner of Tract 29A in Abstract #366;

Thence, proceeding in a Northeasterly direction along the Southeast line of Tract 29A;

Thence, proceeding in an Easterly direction on Tract 30 to County Road 99 on the Northwest line of Abstract #177 and the Southeast line of Abstract #366;

Thence, proceeding in a Westerly direction on County Road 99 to County Road 145;

Thence, proceeding in a Southeastern direction on County Road 145 to the Southeast corner of Tract 1B; then East on the Southeast line of Tracts 1B, 1, 3, 4, and 5 to County Road 541 in Abstract #177;

Thence, following County Road 541 in an Easterly direction to County Road 144;

Thence, proceeding along County Road 144 in an Easterly direction to the Brazos River Authority Canal System "A";

Thence, following the Brazos River Authority Canal System "A" in an Easterly direction to State Highway 35;

Thence, following State Highway 35 in a Northerly direction to County Road 133, proceeding in an Easterly direction to the Brazoria-Galveston County line at the place of its beginning.

(c) The boundaries of the Brazoria County Watershed Drainage District No. 5 are as follows:

Beginning at a point at the Southeast corner of the I. F. W. Curd Survey, Abstract #170, on the Northerly line of Mud Island (on the corner of the mainland);

Thence, following along the West bank of said survey and the West and South banks of West Bay, Chocolate Bay and Chocolate Bayou in a Northwesterly direction to an intersection with the Southeastern line of Section #2, J. F. Perry and E. Austin Survey, Abstract #107, produced Southwesterly;

Thence, in a Northeasterly direction along the Southeastern line of Section #2, J. F. Perry and E. Austin Survey, Abstract #107, produced Southwesterly, to the center of Chocolate Bayou;

Thence, following the center line of Chocolate Bayou in a Northwesterly direction to an intersection with Abstract #11, Henry Austin Survey #2, Coastal Development Company Subdivision, beginning on the northeast corner of Tract #16;

Thence, proceeding Westerly along the North line of Lot 16, 15, 14, and 13 to the Southeast corner of Lot 7, Texas Colonization Co. Subdivision, then proceeding North to the Northeast corner of Lot 7;

Thence, proceeding Westerly on the North line of Lot 7, 10, 15B, 15A, 18, 37, 36, 33, 32, 27, 31, 34, 39, to the South Texas Irrigation Canal;

Thence, in a Northwesterly direction following South Texas Water Company irrigation canal;

Thence, following the North line of Section 6, Abstract #533, (at which point said canal turns North), continuing to follow in a Westerly direction to the North line of Section 6, Abstract #533; Section 12, Abstract #536; Section 11, Abstract #327; Section 12, Abstract #44 to old State Highway 288;

Thence, proceeding Southerly on old State Highway 288 to Farm-to-Market Road 521,

Thence, proceeding Southerly on Farm-to-Market Road 521 to the intersection with County Road 45,

Thence, proceeding in an Easterly direction on County Road 45 to the Henry Austin Survey, Abstract #14, following the Southwest line in a Southeasterly direction to the Southwest corner of Henry Austin Survey, Abstract #14,

Thence, proceeding along the South line in an Easterly direction of the Henry Austin survey to a point that intersects with Flores Bayou,

Thence, in a Southerly direction, following down the middle of Flores Bayou with its meanders to the mouth where it intersects with Austin Bayou,

Thence, following the center of Austin Bayou in a Southwesterly direction with its meanders to the mouth where it intersects with Bastrop Bayou,

Thence following down Bastrop Bayou with its meanders to the mouth where it intersects with Bastrop Bay,

Thence, proceeding in a Southerly and Easterly direction following the shoreline of Bastrop Bay to the I. F. W. Curd Survey, Abstract #170,

Thence, proceeding along the Southern line of the I. F. W. Curd Survey, Abstract #170, to the point of its beginning.

(d) No district created under this Act includes within its boundaries any part of Brazoria County Drainage District No. 2 (Valasco) or Brazoria County Drainage District No. 11.

SECTION 4. CONFIRMATION ELECTION. (a) The Commissioners Court of Brazoria County shall call an election to be held on November 3, 1981, within the boundaries of each of the three proposed districts designated by Section 2 of this Act to determine if the proposed districts will be created and boundaries of existing districts changed or existing districts dissolved.

(b) At a confirmation election called under this section, the commissioners court shall provide for holding the election in a manner that will allow the votes cast in each proposed district to be tabulated separately from the votes cast in the other proposed districts.

(c) Notice of the confirmation election shall state the day and places for holding the election and the proposition to be voted on. The commissioners court shall publish the notice once in a newspaper of general circulation in the three proposed districts. The notice must be published at least 30 days before the date set for the election.

(d) The ballots for the election in each district shall be printed to provide for voting for or against the proposition: "The creation of the Brazoria County Watershed Drainage District No. ____ (Insert appropriate district number), change of boundaries or dissolution of drainage districts within the boundaries of the proposed districts, and assumption of assets and liabilities of dissolved districts."

(e) Immediately after the confirmation election, the presiding judge of each polling place shall make returns of the result to the commissioners court, and the commissioners court shall canvass the returns and declare the result. The votes cast in the election in each proposed district shall be tabulated separately from the votes cast in the other proposed districts.

(f) If a majority of the votes cast in each proposed district at the election favor the creation of the Brazoria County Watershed Drainage District No. 3, Brazoria County Watershed Drainage District No. 4, and Brazoria County Watershed Drainage District No. 5, the commissioners court shall declare the districts created and shall enter the results in its minutes. If a majority of the votes cast in any proposed district or in the districts combined at the election are against the creation of the districts, the commissioners court shall declare that the districts were defeated and shall enter the results in its minutes. The commissioners court shall also file a copy of the election results with the department.

(g) On creation, the persons serving as commissioners of the Brazoria County Drainage District No. 4 become the initial directors of the Brazoria County Watershed Drainage District No. 4. The initial directors for the Brazoria County Watershed Drainage District No. 3 shall be the three persons serving as commissioners of the Brazoria County Conservation and Reclamation District No. 3 on the effective date of the creation of the new district and the two persons residing within the boundaries of the new Brazoria County Watershed Drainage District No. 3 who are serving as commissioners of the Brazoria County Drainage District No. 5 on the effective date of the creation of the new district. The initial directors for the Brazoria County Watershed Drainage District No. 5 are the three persons serving as commissioners of the Brazoria County Drainage District No. 8 on the effective date of the new district, the commissioner of the Brazoria County Drainage District No. 5 who does not become a commissioner of the Brazoria County Watershed Drainage

District No. 3, and one person who is a resident of the new district and who is selected by the commissioners court. Except as otherwise provided in this subsection, initial directors shall hold office until the election of directors in April, 1983. The Brazoria County Watershed Drainage District No. 5 shall call and hold a directors' election on the first Saturday in April in 1982 to elect two members to its board to fill two of the three directors' positions held by persons from Brazoria County Drainage District No. 8. At the first directors' meeting, the initial directors from Brazoria County Watershed Drainage District No. 5 shall draw lots to determine who shall hold office only until the election in 1982.

(h) If the creation of the districts is rejected, another election to confirm creation of the districts may not be called and held by the commissioners court for at least 18 months following the most recent confirmation election. If the districts are not created under this Act within five years after its adoption, this Act expires.

(i) The cost of an election held under this section shall be paid on a pro rata basis by the drainage districts that are located in whole or in part within the proposed districts. The commissioners court shall determine the pro rata share of the election costs for each drainage district and shall compute the pro rata shares so that the share for each drainage district is in the same ratio to the total amount of the election costs as the ratio of land in the drainage district to be located in a new district is to the total amount of land in all of the new districts combined.

SECTION 5. BOARD OF DIRECTORS. (a) The Brazoria County Watershed Drainage District No. 3 and the Brazoria County Watershed Drainage District No. 5 shall be governed by a board of directors composed of five members that are elected as provided by this Act.

(b) The Brazoria County Watershed Drainage District No. 4 shall be governed by a board of directors composed of three members that are elected as provided by this Act.

SECTION 6. QUALIFICATIONS OF DIRECTORS. To be qualified to serve as a director of any district, a person must be at least 18 years old on the date of the election, must be a resident of the district, and must have been a resident of the district for the two years immediately preceding the date of the election.

SECTION 7. TERM OF OFFICE. Except for the initial directors under Section 4(f) of this Act, a director shall hold office for a term of two years and until his successor is elected and has qualified.

SECTION 8. DIRECTORS' ELECTION. (a) Beginning in April, 1982, on the first Saturday in April of each year, an election shall be held in Brazoria County Watershed Drainage District No. 5 to elect the appropriate number of directors.

(b) Beginning in April, 1983, on the first Saturday in April of each odd-numbered year, an election shall be held in the Brazoria County Watershed Drainage District No. 3 and the Brazoria County Watershed Drainage District No. 4 to elect directors.

(c) A person who desires to have his name printed on the ballot at any directors' election as a candidate for election as a director shall file a petition with the secretary of the district at least 35 days before the date of the election.

(d) At the election of directors in 1983, directors of the Brazoria County Watershed Drainage District No. 3 shall be elected from the following positions and shall reside in the following areas:

(1) position 1—a resident of Alvin;

(2) position 2—a resident of the area formerly located in Brazoria County Drainage District No. 4 and Brazoria County Drainage District No. 5;

(3) position 3—a resident of the area that is located outside the areas covered by positions 1 and 2;

(4) position 4—a resident of the district; and

(5) position 5—a resident of the district.

(e) Except for the initial directors, directors of the Brazoria County Watershed Drainage District No. 5 shall be elected from the following positions and shall reside in the following areas:

(1) position 1—a resident of the area formerly located in Brazoria County Drainage District No. 8;

(2) position 2—a resident of the area formerly located in Brazoria County Drainage District No. 8;

(3) position 3—a resident of the area formerly located in Brazoria County Drainage District No. 5;

(4) position 4—a resident of the area formerly located in Brazoria County Drainage District No. 5; and

(5) position 5—a resident of the district.

(f) A person required by Subsection (d) of this section to reside in Alvin in order to serve on the board must reside in that part of Alvin located within the district, and a person required by Subsection (e) of this section to reside in the area formerly located in Brazoria County Drainage District No. 5 or Brazoria County Drainage District No. 8 in order to serve on the board must reside in that part of the area formerly located in Brazoria County Drainage District No. 5 or Brazoria County Drainage District No. 8 now located within the district.

(g) At the election of the directors in 1985 and at all subsequent directors' elections, directors of the Brazoria County Watershed Drainage District No. 3 shall run for office and shall be elected at large.

(h) At the first meeting of the board, the initial directors of the Brazoria County Watershed Drainage District No. 3 and the initial directors of the Brazoria County Watershed Drainage District No. 5 shall assign a position number for each member.

(i) A district may enter into agreements with school districts and other local governments in Brazoria County to share the cost of holding elections.

SECTION 9. VACANCY ON BOARD. A vacancy on the board shall be filled by appointment of the remaining members of the board for the unexpired term.

SECTION 10. OATH. Each director shall take the constitutional oath of office required of state officers.

SECTION 11. COMPENSATION. Each director is entitled to receive for his services not more than \$25 a day for each day he is actually engaged in his duties for the district. A director may not receive compensation for more than eight days in any month.

SECTION 12. ORGANIZATION OF BOARD. (a) After creation of the districts and after each directors' election, the board shall meet at the district office and shall organize by electing officers.

(b) The members of a board shall select from their number at the first directors' meeting one person to serve as chairman, one person to serve as vice-chairman, and one person to serve as secretary.

(c) The chairman shall preside over meetings of the board, and in his absence, the vice-chairman shall preside.

(d) The chairman, vice-chairman, and secretary shall perform the duties and may exercise the powers specifically given them by this Act or by orders of the board.

SECTION 13. QUORUM. A majority of the members of the board constitutes a quorum for the transaction of business of the district, but no official action of the board is valid without the affirmative vote of a majority of the members of the board.

SECTION 14. OTHER DISTRICT OFFICERS. (a) Each board shall appoint persons to serve as treasurer and attorney for the district.

(b) A district may appoint a person to serve as tax collector for the district or may contract for the collection of taxes as provided by Chapter 6, Title 1, Tax Code.

(c) The persons appointed under this section are entitled to the compensation provided by the district's budget.

(d) The person appointed as treasurer shall execute a bond in the amount determined by the board, payable to the district, conditioned on the faithful performance of the treasurer's duties. The district shall pay for the bond.

SECTION 15. GENERAL MANAGER. (a) The board shall employ a general manager who shall be the chief administrative officer of the district and may delegate to him full authority to manage and operate the affairs of the district subject only to orders of the board.

(b) The general manager shall execute a bond in the amount determined by the board, payable to the district, conditioned on the faithful performance of the general manager's duties. The district shall pay for the bond.

(c) The general manager is entitled to receive the compensation provided in the district's budget.

SECTION 16. DISTRICT ENGINEER. (a) The board shall appoint a registered professional civil engineer for the district.

(b) The board shall employ necessary assistants to the district engineer to assist him in carrying out his powers and duties.

(c) The district engineer and his assistants are entitled to the compensation provided in the district's budget.

SECTION 17. PERSONNEL. (a) The general manager, with the approval of the board, shall employ other persons necessary for the proper handling of the business and operation of the district and may employ or contract with expert and specialized personnel who are necessary to carry out this Act.

(b) The board shall determine the terms of employment and the reasonable compensation to be paid to employees under this section.

(c) The general manager or a majority of the members of the board may dismiss an employee of the district.

(d) The board may require each employee or person under contract to the district who collects, pays, or handles any funds of the district to furnish a bond, payable to the district, for an amount sufficient to protect the district from financial loss resulting from actions of the employee or other person. Each bond shall be conditioned on the faithful performance of the employee's or person's duties and on accounting for all money and property of the district in his hands. The district shall pay for each bond.

SECTION 18. DISTRICT OFFICE. The board shall maintain an office in the district for conducting the business of the district.

SECTION 19. MEETINGS OF BOARD. The board shall hold regular meetings at the district office at least once each month on a date established by rule of the board and may hold special meetings at the call of the chairman as provided by rule.

SECTION 20. MINUTES AND RECORDS. (a) The board shall keep a complete written account of all its meetings and other proceedings, and shall preserve its minutes, contracts, records, plans, notices, accounts, receipts, and

records of all kinds in a secure manner at the district office. The board is not required to preserve its minutes, contracts, records, plans, notices, accounts, receipts, and other records for a period of more than 10 years.

(b) Minutes, contracts, records, plans, notices, accounts, receipts, and other records are the property of the district and are subject to public inspection.

SECTION 21. CONTRACTS. The board may enter into contracts as provided by this Act, and those contracts shall be executed by the board in the name of the district.

SECTION 22. RULES. (a) After notice and hearing, the board may adopt rules to carry out this Act.

(b) The board shall adopt rules providing procedures for giving notice and holding hearings before the board.

SECTION 23. ASSISTANCE OF DEPARTMENT. On request of the board, the department shall provide assistance to the district in carrying out its powers and duties.

SECTION 24. SUPERVISION OF DISTRICTS. The districts created under this Act are subject to the continuing right of supervision of the state, to be exercised by the department under this Act and the Water Code.

SECTION 25. SUITS; PAYMENT OF JUDGMENTS. (a) The district may, through its board, sue and be sued in any court of this state in the name of the district. Service of process in a suit may be had by serving the general manager.

(b) The courts of this state shall take judicial notice of the creation of the district.

(c) A court of this state that renders a money judgment against the district may require the board to pay the judgment from money in the district depository that is not dedicated to the payment of the principal of or interest on bonds of the district.

SECTION 26. SEAL. The board shall adopt a seal for the district.

SECTION 27. GENERAL POWERS. For the purpose of carrying out this Act, the district may:

(1) apply for, accept, receive, and administer gifts, grants, and other funds available from any source; and

(2) advise, consult, and cooperate with the federal government and its agencies, the state and its agencies, local governments, and private entities.

SECTION 28. DISTRICT DRAINAGE PLAN. (a) At the first meeting of the board after appointment of the district engineer, the board shall direct the district engineer to prepare a district drainage plan that will provide for control and abatement of excess water and reclamation and proper drainage of land in the district and, on completion, to file the plan with the board.

(b) In preparing the plan, the district engineer may exercise the powers and shall exercise the duties provided by Sections 56.022 and 56.023, Water Code.

(c) A copy of the completed plan shall also be submitted to the department for its comments.

(d) On approval of the district plan under Section 30 of this Act, it is not necessary for the owner of any tract of land in the district that is over 2,500 contiguous acres and that is owned by that same person at the time this Act takes effect, to seek changes in the plan or additional certificates to build additional facilities on that tract of land. In preparing the plan, the district engineer shall take into consideration proposed future facilities on that tract of land.

SECTION 29. NOTICE AND HEARING ON PLAN. (a) On receiving the plan, the board shall schedule a hearing to consider the adoption of the plan.

(b) At the hearing, any person may appear before the board and present testimony and evidence for or against all or any part of the plan.

SECTION 30. CHANGING AND APPROVING PLAN. (a) Within 10 days after a hearing under Section 29 of this Act, the board shall issue its findings and decision.

(b) If the board finds that the plan requires changes before it can be approved, the board's order shall direct the district engineer to make any changes in the plan the board considers necessary. The district engineer shall make any changes in the plan necessary to comply with the board's order and resubmit the plan to the board.

(c) The board may continue to order the district engineer to make changes in the plan until the board finds the plan acceptable.

(d) After the hearing under Section 29 of this Act, if the board finds that no changes are required in the plan or after the district engineer has made all necessary changes in the plan under Subsections (b) and (c) of this section, the board shall issue an order approving the plan.

SECTION 31. AMENDING PLAN. After notice and hearing, the board may amend the plan to make changes necessary to accomplish the purposes stated in Section 28(a) of this Act.

SECTION 32. IMPROVEMENTS TO BE CONSTRUCTED. Improvements included in the plan and adopted by the board shall be constructed.

SECTION 33. DISTRICT COOPERATION. Each of the districts shall cooperate with the other districts as far as possible to provide uniform programs and coordinated planning.

SECTION 34. DISTRICTS SUPERIOR IN DRAINAGE MATTERS. A district has primary jurisdiction over the area within its boundaries but outside the boundaries of any city or town over all matters affecting drainage of land within that area and may take any action necessary to assure compliance with the district's plan adopted under this Act.

SECTION 35. NOTICE OF ACTIVITIES AFFECTING DRAINAGE. (a) Any person who plans to engage in any activity that will alter or otherwise affect drainage of land within a district shall submit to the board written notice of the intent to engage in the activity together with plans, specifications, and other information relating to the activity.

(b) The notice, plans, specifications, and other information shall be submitted to the board in the form and manner and within the time provided by the district's rules.

SECTION 36. CONSIDERATION OF ACTIVITY BY DISTRICT ENGINEER. (a) On receiving the notice under Section 35 of this Act, the board shall submit the notice, plans, specifications, and other information to the district engineer for consideration.

(b) The district engineer shall examine the material and information to determine the effect of the proposed activities on drainage of land within the district and whether or not the proposed activity will be compatible with the plan.

(c) The district engineer shall consult with the person submitting the materials and information and shall seek agreement of that person to any changes in the proposed plans and specifications for the activity that will make them compatible with the plan.

(d) If the district engineer and the person proposing to engage in the activity agree to plans and specifications for the activity that are compatible with the district's plan as determined by the district engineer, the district engineer shall recommend to the board the issuance of a drainage certificate. If the district engineer and the person proposing to engage in the activity cannot agree, the district engineer shall recommend to the board that a drainage certificate not be issued. The district engineer's recommendation shall be included in a brief written report to the board stating the district engineer's reasons for his recommendation.

SECTION 37. BOARD CONSIDERATION AND ACTION. (a) On receiving the district engineer's report, the board may issue a drainage certificate without giving notice and holding a public hearing to consider the issuance.

(b) On consideration of the district engineer's report, if the board decides to deny issuance of a drainage certificate, it shall first give notice and hold a public hearing to consider the issuance of the certificate. Notice shall be given and the hearing held under procedures in the district's rules.

(c) Within 10 days after the conclusion of a hearing to consider issuance of a drainage certificate, the board shall issue a written decision issuing or denying the drainage certificate or issuing the drainage certificate subject to specific requirements of the board. The decision shall state the findings of the board in making the decision.

(d) If the board issues a decision denying a drainage certificate or issuing a drainage certificate subject to specific requirements, the person who is denied the certificate or who is issued a certificate subject to specific requirements may appeal the decision of the board to a district court in Brazoria County. The review of the decision on appeal shall be by trial de novo.

SECTION 38. CERTIFICATE REQUIRED. Except as provided by Section 39 of this Act, a person may not engage in any activity that will alter or otherwise affect drainage of land within a district without obtaining a drainage certificate from the board.

SECTION 39. EXEMPTIONS. After notice and hearing, a board may adopt a rule or issue an order that exempts any specified activity from the requirements of Sections 35 through 38 of this Act if the board finds that that activity will have a minimal impact or no impact on drainage as provided by the plan.

SECTION 40. REMOVAL OF OBSTRUCTIONS. (a) After notice and hearing, the board may issue an order directing any person:

(1) to remove an obstruction or structure constructed after adoption of the district plan; or

(2) to make changes in an obstruction or structure constructed after the adoption of the district plan to make it compatible with the plan.

(b) A person may not place an obstruction or construct or alter a structure on land in a district if the obstruction or structure is not compatible with the district plan and no drainage certificate has been issued.

(c) Members of the board and employees and agents of the district may enter land within the district during reasonable daylight hours to make inspections for the purpose of carrying out this section.

(d) If the drainage plan is changed after an obstruction is placed, constructed, or altered under a drainage certificate, the district may not direct removal or change of the obstruction to comply with the plan.

(e) This Act and this section do not apply to any obstruction or structure located within or in the process of being placed within a district on or before the effective date of the district plan.

SECTION 41. INJUNCTIVE RELIEF. If a person engages in an activity that will alter or otherwise affect drainage within a district without a drainage certificate or if a person places an obstruction or constructs or alters a structure in violation of an order issued by the board under Section 40(a) of this Act, the board may have a suit brought in a district court in Brazoria County for injunctive relief to restrain the person from continuing or threatening to continue the violation and to require the person to remove any such obstruction or structure. The court shall include in any final order in favor of the district under this section an award to cover court costs and reasonable attorney's fees.

SECTION 42. CIVIL PENALTY. A person who violates Section 38 or 40 of this Act or any order issued by a board pursuant to Section 38 or 40 of this Act is subject to a civil penalty of not less than \$500 nor more than \$10,000 for each act of violation and for each day of violation.

SECTION 43. REGULATION OF STATE AGENCIES AND LOCAL GOVERNMENTS. (a) Except as provided by Section 34 of this Act, state agencies engaging in activities within a district and local governments located within a district shall comply with this Act and rules and orders adopted under this Act, and the board may require any state agency or local government to remove or alter obstructions or structures in the same manner as applies to private entities.

(b) This section does not apply to the Texas Department of Water Resources.

(c) Nothing in this Act shall be construed as prohibiting the normal functions of any state agency in the conduct of all powers of the state agency other than in drainage matters, within the districts created under this Act.

SECTION 44. ACQUISITION OF PROPERTY. The district may acquire by gift, grant, purchase, or condemnation any land, easements, rights-of-way, and other property interests necessary to construct district improvements and may acquire by purchase or lease a location for the district office.

SECTION 45. EMINENT DOMAIN. (a) The district may acquire land within Brazoria County for district improvements by condemnation when the board determines, after notice and hearing, that it is necessary.

(b) The right of eminent domain shall be exercised by the district in the manner provided by Title 52, Revised Civil Statutes of Texas, 1925, as amended, except that the district is not required to give bond for appeal or bond for costs in a condemnation suit or other suit to which it is a party and is not required to deposit double the amount of any award in any suit.

(c) If the district, in the exercise of the power of eminent domain, makes necessary the relocation, raising, lowering, rerouting, or changing in grade, or alteration of the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all necessary relocations, raising, lowering, rerouting, changing in grade, or alteration of construction shall be accomplished at the sole expense of the district. "Sole expense" means the actual cost of relocation, raising, lowering, rerouting, or changing in grade or alteration of construction to provide comparable replacement without enhancement of facilities, after deducting the net salvage value derived from the old facility.

SECTION 46. BIDS. Construction contracts and any other contracts requiring an expenditure of more than \$10,000 may be made only after competitive bidding as provided by Chapter 770, Acts of the 66th Legislature, Regular Session, 1979 (Article 2368a.3, Vernon's Texas Civil Statutes).

SECTION 47. PAYMENT FOR CONSTRUCTION WORK. (a) The district shall pay the contract price of construction contracts as provided by this section.

(b) The district may make progress payments under construction contracts monthly as the work proceeds, or at more frequent intervals as determined by the district engineer, on estimates approved by the district engineer.

(c) If requested by the district engineer, the contractor shall furnish a breakdown of the total contract price showing the amount included for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates, the district engineer may authorize material delivered on the site and preparatory work done to be considered if the consideration is specifically authorized by the contract and if the contractor furnishes satisfactory evidence that he has acquired title to the material and that it will be utilized on the work covered by this contract.

(d) In making progress payments, 10 percent of the estimated amount shall be retained until final completion and acceptance of the contract work. However, if the board, at any time after 50 percent of the work has been completed, finds that satisfactory progress is being made, it may authorize any of the remaining progress payments to be made in full. Also, if the work is substantially complete, the board, if it finds the amount retained to be in excess of the amount adequate for the protection of the district, at its discretion may release to the contractor all or a portion of the excess amount.

(e) On completion and acceptance of each separate project, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made without retention of a percentage.

(f) When construction work is completed according to the terms of the contract, the board shall draw a warrant on the district depository to pay any balance due on the contract.

SECTION 48. CONTRACTOR'S BONDS. A contractor shall execute a performance bond and a payment bond in amounts determined by the board, payable to the board and approved by the board, conditioned on the faithful performance of the obligations, agreements, and covenants in the contract and on payment to the district of damages sustained as a result of any default.

SECTION 49. SHARING COSTS OF PROJECTS WITH OTHER ENTITIES. A district may enter into a contract with the federal government or its agencies, the state or its agencies, or a local government within the county to share the cost of construction of any drainage project provided the project complies with requirements of the drainage plan.

SECTION 50. OTHER POWERS AND DUTIES. (a) In addition to the powers and duties specifically granted or imposed by this Act, the board and the district may exercise the powers and shall perform the duties provided by Sections 56.111, 56.112(a) and (b), 56.113, 56.114, 56.115, 56.116(a), (b), and (c), 56.120, 56.121, 56.126, 56.128, 56.130, 56.133, 56.134, 56.135, 56.140, 56.141, 56.142, and 56.143, Water Code. Any actions assigned to the commissioners court or the county judge under those specific sections shall be performed by the board.

(b) A district has and may exercise any of the powers of any drainage district incorporated in the district and dissolved on the creation of the district under this Act, and those powers are continued in effect for this purpose.

SECTION 51. GENERAL FISCAL PROVISIONS. Sections 54.301, 54.305, 54.307, 54.308, and 54.310, Water Code, apply to a district.

SECTION 52. ISSUANCE OF BONDS. Each district may issue bonds to provide the improvements authorized under this Act as provided by Sections 54.501 through 54.518, 54.520, and 54.521, Water Code. Section 54.5161, Water Code, does not apply to issuance of bonds of the district.

SECTION 53. TAXES. Each district may assess, levy, and collect ad valorem taxes on all property in the district to pay the principal of and interest on bonds issued by the district in the manner provided by the Tax Code and Chapter 56, Water Code.

SECTION 54. MAINTENANCE TAX. At the same time that taxes are levied to pay bonded indebtedness, the district shall assess, levy, and collect, as provided by the Tax Code, ad valorem taxes on all property in the district sufficient to maintain, repair, and preserve district improvements and to pay legal debts, demands, and obligations of the district.

SECTION 55. DISSOLUTION. A district created under this Act may be dissolved as provided by Subchapter H, Chapter 56, Water Code.

SECTION 56. TRANSITION. (a) Any drainage district wholly located within the boundaries of a district created under this Act is dissolved on the effective date of the creation of the district in which it is located.

(b) Any drainage district partially located within the boundaries of a district created under this Act is changed so that the part of the drainage district that is located within a district created under this Act is excluded from the original drainage district and becomes a part of the district created under this Act on the effective date of the creation of the districts under this Act.

(c) The affairs of the districts dissolved under this section and of the areas excluded from a drainage district under this section shall be handled in the manner provided by Sections 56.296 through 56.311, Water Code, to the extent that those sections can be made applicable.

(d) Included in the districts to be dissolved on creation of the watershed drainage districts under this Act are the Brazoria County Conservation and Reclamation District No. 3, Brazoria County Drainage District No. 4, Brazoria County Drainage District No. 5, and Brazoria County Drainage District No. 8.

SECTION 57. ASSESSMENT AND COLLECTION OF TAXES. (a) The management and control of the Brazoria County Drainage Districts Nos. 4, 5, 8, and 11 are hereby vested in the boards of directors of those districts. In this section, "district" means the Brazoria County Drainage Districts Nos. 4, 5, 8, and 11.

(b) The board of directors shall levy a tax on all property subject to district taxation for the benefit of the district for the purpose of meeting the requirements of the district's bonds and providing for the district's maintenance and operating expenses.

(c) The tax rolls of Brazoria County shall be and constitute the district tax rolls for all taxable property within a district, and not later than October 1 of each year the board of directors shall levy the tax on all property within the district which is subject to taxation and shall immediately certify the rate of that tax to the tax assessor-collector of Brazoria County. The tax that is levied shall be collected on all property subject to district taxation by the assessor-collector based on Brazoria County tax values, and the tax shall be collected in the same manner and under the same conditions as Brazoria County taxes. The amount of the annual district tax may be included on the annual county tax statement mailed or sent out by the Brazoria County assessor-collector to those taxpayers owning property in both the district and in the county. The assessor-collector shall charge and deduct from payments to the district amounts for his services as may be agreed upon by the assessor-collector and the board of directors. Interest and penalties on the taxes paid the district shall be the same as for county taxes. The remainder of tax collections, after deductions of discounts and fees for assessing and collecting, shall be deposited in the district's depository and may be withdrawn as directed by the district's board of directors. All other income of such district shall be deposited in the depository.

(d) The board of directors shall be responsible for all funds received by the district, and it is not the duty of the county judge to countersign any warrants or checks, and it is not the duty of the county treasurer or the county auditor to perform any services for any district. Each district shall prepare all budgets, disburse all funds, account for the funds, have an annual audit, and do all other things required by law.

(e) If the Brazoria County Watershed Drainage District No. 3, Brazoria County Watershed Drainage District No. 4, and the Brazoria County Watershed Drainage District No. 5 are created, this section applies to those districts.

SECTION 58. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE BILL 62 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 62, Relating to corrections to Article III of the General Appropriations Act.

The bill was read second time and was passed to third reading.

HOUSE BILL 62 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 62** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE BILL 113 ORDERED NOT PRINTED

On motion of Senator Jones and by unanimous consent, **H.B. 113** was ordered not printed.

HOUSE BILL 113 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 113, Relating to an appropriation for the operation of the automated Information Systems Advisory Council.

The bill was read second time and was passed to third reading.

HOUSE BILL 113 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 113** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE BILL 142 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 142, Relating to a supplemental appropriation to the Attorney General's office for the purpose of securing and maintaining leased office space.

The bill was read second time and was passed to third reading.

HOUSE BILL 142 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 142** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

(Senator Brooks in Chair)

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE BILL 147 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 147, Relating to an appropriation to Southwest Texas State University to repair or replace facilities and equipment destroyed or damaged by flood.

The bill was read second time and was passed to third reading.

HOUSE BILL 147 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 147** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE BILL 153 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 153, Relating to an appropriation to the Parks and Wildlife Department for the purpose of fixing ponds and facilities at the San Marcos fish hatchery.

The bill was read second time and was passed to third reading.

HOUSE BILL 153 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 153** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE BILL 156 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 156, Relating to an appropriation to the Industrial Commission to administer the Development Corporation Act of 1979, as amended.

The bill was read second time and was passed to third reading.

HOUSE BILL 156 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 156** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE BILL 120 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 120, Relating to administration, enforcement, and collection of state inheritance and generation-skipping transfer taxes and the examination of property of a decedent's estate.

The bill was read second time and was passed to third reading.

HOUSE BILL 120 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 120** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE BILL 159 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 159, Relating to an appropriation to the Texas Sesquicentennial Museum Board to be used for planning and designing a museum.

The bill was read second time and was passed to third reading.

HOUSE BILL 159 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 159** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

HOUSE CONCURRENT RESOLUTION 44 ON SECOND READING

Senator Wilson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.C.R. 44, Requesting a moratorium on increased assessment of livestock and poultry.

There was objection.

Senator Wilson then moved to suspend the regular order of business and take up **H.C.R. 44** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mauzy.

Absent-excused: Glasgow.

(President in Chair)

The resolution was read second time and was adopted.

RECORD OF VOTES

Senators Mauzy and Vale asked to be recorded as voting "Nay" on the adoption of the resolution.

MESSAGE FROM THE HOUSE

House Chamber
August 11, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the Conference Committee Report on **S.B. 28** adopted by a vote 117 ayes, and 5 noes, 1 present-not voting.

The House refused to concur in Senate amendments to **H.J.R. 1** and requests the appointment of a Conference Committee. House Conferees are: Schlueter, Chairman; Davis, Peveto, Delco, McFarland.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **H.B. 3** today.

MOTION TO APPOINT CONFERENCE COMMITTEE ON HOUSE JOINT RESOLUTION 1

Senator Jones called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.J.R. 1** and moved that the request be granted.

The motion prevailed.

RECORD OF VOTE

Senator Meier asked to be recorded as voting "Nay" on the motion to grant the request of the House to appoint a Conference Committee.

The President asked if there were any motions to instruct the Conference Committee on **H.J.R. 1** before appointment.

Senator Snelson requested the Senate conferees be instructed to retain the Senate version of the resolution.

VOTE BY WHICH SENATE GRANTED REQUEST OF HOUSE FOR CONFERENCE COMMITTEE ON HOUSE JOINT RESOLUTION 1 RECONSIDERED

Having voted on the prevailing side, Senator Snelson moved the Senate reconsider the vote by which the Senate agreed to grant the request of the House for a Conference Committee on **H.J.R. 1**.

The motion prevailed by the following vote: Yeas 19, Nays 11.

Yeas: Blake, Brooks, Caperton, Doggett, Harris, Kothmann, Mauzy, McKnight, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

Nays: Andujar, Brown, Farabee, Howard, Jones, Leedom, Meier, Mengden, Richards, Travis, Wilson.

Absent-excused: Glasgow.

Question - Shall the Senate grant the request of the House to appoint a Conference Committee on **H.J.R. 1**?

Senator Snelson moved the Senate refuse to grant the request of the House to appoint a Conference Committee on **H.J.R. 1**.

The motion prevailed by the following vote: Yeas 19, Nays 11.

Yeas: Blake, Brooks, Caperton, Doggett, Harris, Kothmann, Mauzy, McKnight, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

Nays: Andujar, Brown, Farabee, Howard, Jones, Leedom, Meier, Mengden, Richards, Travis, Wilson.

Absent-excused: Glasgow.

RECESS

On motion of Senator Mauzy the Senate at 12:16 o'clock p.m. took recess until 2:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Glasgow who had previously been recorded as "Absent-excused" was announced "Present".

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 3

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S.B. 14
S.C.R. 10

SENATE RESOLUTION 163 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S.R. 163, Directing Chairman of Education Committee to appoint a subcommittee to study the operation and management of Texas medical schools and compensation of teaching positions.

The resolution was read second time and was adopted.

MESSAGE FROM THE HOUSE

House Chamber
August 11, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 41, Relating to an appropriation to Texas Southern University.

S.B. 35, Relating to fees for certifying drug abuse treatment programs and treatment personnel and to fees for application and for inspection.

The House has discharged the Conference Committee on **H.J.R. 1** and refused to concur in Senate Amendments.

The House has adjourned Sine Die, pending message from the Senate and signing bills.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 42 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H.C.R. 42, Granting the City of San Diego permission to sue the State.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION 33 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H.C.R. 33, Requesting Department of Public Safety to withdraw amendment to its rules relating to transportation of hazardous materials.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION 8 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H.C.R. 8, Granting Zapata Warrior Constructors, Division of Zapata Constructors, Inc., permission to sue the State.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION 38 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H.C.R. 38, Directing the Purchasing and General Services Commission to restore Capitol fence to original colors.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION 41 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H.C.R. 41, Commending the employees of Continental Airlines.

The resolution was read second time and was adopted.

RECORD OF VOTES

Senators Howard and Mengden asked to be recorded as voting "Nay" on the adoption of the resolution.

HOUSE CONCURRENT RESOLUTION 46

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H.C.R. 46, Directing Parks and Wildlife Department to refrain from removal of the station in Franklin Mountains State Park.

The resolution was read and was adopted.

SENATE BILL 29 ON SECOND READING

Senator Truan moved to suspend the regular order of business to take up for consideration at this time:

S.B. 29, Relating to the regulation and taxation of bingo games; providing penalties.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Howard, Jones, Richards.

Absent: Brown, Travis.

HOUSE BILL 3 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment **S.B. 29** and under the provisions of Senate Rule 67 the following was substituted:

H.B. 3, Relating to the regulation and taxation of bingo games.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 1

Amend House Bill 3 Section 26, page 22, by deleting subsection (a.) and subsection (b.) and substituting in lieu thereof a new subsection:

“(a.) The Comptroller shall deduct two (2) per cent of the amount collected from any tax imposed under this Act and shall deposit the funds in the state treasury to the credit of a special fund to be known as the Bingo Enforcement Fund. The remaining funds shall be deposited in the state treasury to the credit of the General Revenue Fund”

And deleting subsections (c.) and (d.).

The amendment was read.

On motion of Senator Truan, the amendment was tabled by the following vote: Yeas 23, Nays 7.

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Brown, Howard, Jones, Leedom, Richards, Short.

Absent: Travis.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 3**, Section 19, Page 20, Line 2

by deleting subsection (a.) and substituting in lieu thereof the following:

(a.) A person may not conduct, promote, or administer any game of bingo under any license issued under this act except an active member of the authorized organization to which the license is issued. A person may not assist in the conducting, promoting, or administering of any game of bingo under a license except bookkeepers or accountants as provided by this Act.

The amendment was read.

On motion of Senator Truan, the amendment was tabled by the following vote: Yeas 23, Nays 7.

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Brown, Howard, Jones, Leedom, Richards, Sarpalius.

Absent: Travis.

Senator Richards offered the following amendment to the bill:

Floor Amendment No. 3

Amend House Bill 3 by striking Subsection (d) of SECTION 11 and substituting a new Subsection (d) to read as follows:

(d) Either 25% of the gross receipts or the combination of the net proceeds of any game of bingo and of any rental of premises for bingo, whichever is greater, shall be exclusively devoted to the charitable purposes of the organization permitted to conduct the game. The proceeds of any game of bingo or of any rental may not be used to support or oppose a particular candidate or a slate of candidates for public office or in favor of or in opposition to any measure submitted to a vote of the people.

The amendment was read.

On motion of Senator Truan, the amendment was tabled by the following vote: Yeas 20, Nays 9.

Yeas: Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Mauzy, McKnight, Mengden, Ogg, Parker, Santiesteban, Short, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Andujar, Blake, Brown, Howard, Jones, Leedom, Meier, Richards, Sarpalius.

Absent: Snelson, Travis.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 4

Amend S.B. 29 as follows:

On page 11, line 59, after the word "Misdemeanor" add the following new sentence, "After two prior convictions of an offense under this Section, any conviction shall be a felony of the Third Degree".

The amendment was read.

On motion of Senator Brown and by unanimous consent, the amendment was withdrawn.

The bill was passed to third reading.

RECORD OF VOTES

Senators Howard, Blake and Richards asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 3 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 3** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Howard, Jones, Leedom, Richards.

Absent: Travis.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Howard, Blake and Richards asked to be recorded as voting "Nay" on the final passage of the bill.

VOTE ON FINAL PASSAGE OF HOUSE BILL 3 RECONSIDERED

On motion of Senator Truan and by unanimous consent, the vote by which **H.B. 3** was finally passed was reconsidered.

Question - Shall **H.B. 3** be finally passed?

The bill was again finally passed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Howard, Jones, Leedom, Richards.

Absent: Travis.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

H.B. 62
H.B. 113
H.B. 120
H.B. 142
H.B. 147
H.B. 153
H.B. 156
H.B. 159
H.C.R. 44

SENATE RESOLUTION ON FIRST READING

By unanimous consent, the following resolution was introduced, read first time and referred to the Committee indicated:

S.R. 196 by Williams, Mengden, Committee of the Whole Senate
Richards, Brooks, Brown
Requesting the Legislative Redistricting Board to make certain changes in the original Senate plan when it considers Senatorial Redistricting in Harris County.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Santiesteban and by unanimous consent, the Senate at 3:42 o'clock p.m. resolved into the Committee of the Whole Senate.

The President appointed Senator Santiesteban as Chairman of the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

The President at 3:59 o'clock p.m. called the Senate to order as In Legislative Session.

NOMINATIONS COMMITTEE GRANTED PERMISSION TO MEET

On motion of Senator McKnight and by unanimous consent, all necessary rules were suspended in order that the Committee on Nominations might meet at recess and consider a nomination.

RECESS

On motion of Senator Mauzy, the Senate at 3:59 o'clock p.m. recessed subject to the Call of the Chair in order that the Senate might caucus.

AFTER RECESS

The President called the Senate to order at 4:47 o'clock p.m.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator McKnight submitted the following report for the Subcommittee on Nominations:

Lee B. M. Biggart, To be a MEMBER OF THE TEXAS WATER COMMISSION.

NOMINEE CONFIRMED

Senator McKnight moved that all necessary rules be suspended and that Mr. Biggart be confirmed as a Member of the Texas Water Commission.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 197

(Caucus Report)

Senator Mauzy offered the following resolution:

Honorable William P. Hobby
President of the Senate
Austin, Texas

Sir:

At a caucus held on August 11, 1981, and attended by 31 members of the Senate the following recommendations were made, to-wit:

BE IT RESOLVED BY THE SENATE:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the State from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Sergeant-at-Arms shall be retained and a number of assistants as necessary in the operation of the Senate until the convening of the next session.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Room, Staff Services Room, Calendar Clerk and Journal Clerk. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Purchasing and Supply Department. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the First Called Session of the 67th Legislature and when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate, each member of the House of Representatives on request, to the Lieutenant Governor, and 65 paper bound copies shall be furnished to the State Library. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 67th Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 67th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, and employees of the Senate committees upon presentation of a payroll account signed by the President of the Senate and the Secretary of the Senate; for payment of employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429F, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the Legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual members office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin, but may be incurred in individual Senatorial Districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time from the end of the 67th Legislature, First Called Session, through August 31, 1981, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expense for staff employees a maximum payroll of \$10,000.00 per month and from September 1, 1981, until the convening of the next regular or special session each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a maximum payroll of \$9,000.00 per month under the classification schedule hereinafter provided. Any unexpended portion of this amount may be carried forward from month to

month. Other expenses including members actual travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto shall be provided in addition to the maximum salary authorized.

It is further recommended that each employee of the Senate except elected officers be classified and paid pursuant to the following schedule to include salary changes made by the General Appropriations Act:

<u>Title</u>	<u>Class Number</u>	<u>Group</u>	<u>Salary and Step Range</u>
Clerk I	0051	02	660(1)- 680(2)- 702(3)
Messenger	0011	02	724(4)- 746(5)- 769(6)
Clerk Typist II	0106	04	746(1)- 769(2)- 793(3)
Stenographer I	0126	04	818(4)- 845(5)- 871(6)
Secretary II	0133	05	898(5)- 926(6)- 957(7)
Secretary III	0135	07	1018(5)-1052(6)-1087(7)
Admin. Secretary	0138	09	1160(5)-1200(6)-1239(7)
Info. Spec. I	1892	14	1415(1)-1463(2)-1511(3)
Admin. Tech. I	1501	08	1087(5)-1122(6)-1160(7)
Admin. Tech. II	1502	11	1281(4)-1324(5)-1369(6)
Admin. Tech. III	1503	13	1415(3)-1463(4)-1511(5)
Admin. Tech. IV	1504	15	1615(3)-1669(4)-1726(5)
Info. Spec. II	1893	16	1669(2)-1726(3)-1782(4)
Attorney III	3533	17	1726(1)-1782(2)-1842(3)
Research Asst. II	1517	13	1563(6)-1615(7)-1669(8)
ADP Equip. Oper. I	0221	07	898(1)- 956(3)-1018(5)
Rep. Equip. Oper. I	0309	09	1018(1)-1087(3)-1160(5)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any member of the Senate, the Secretary of the Senate or other Senate employees to attend National Legislative Conferences and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the Standing Committees and Subcommittees of the Senate of the 67th Legislature, First Called Session, be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation and perform research on matters directed either by resolution, the Lieutenant Governor or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That there is hereby created a committee whose membership shall consist of all 31 Senators and the Dean of the Senate shall preside as Chairman. The Chairman may appoint a vice-chairman or chairman pro tempore to preside in the absence of the Chairman.

The committee has the duty and authority to supervise all matters relating to the elected officers or internal affairs of the Senate. The committee has the power to do all things reasonable and necessary in carrying out its responsibilities including, but not limited to, the discharge of elected officers, filling vacancies in any elected office, determining salaries of elected officers, and prescribing the powers, functions, responsibilities and duties of the several elected officers of the Senate. The committee shall meet at the call of the Chairman or at a date specified in a written request of eleven members or as may be determined by the committee after its initial meeting. Twenty-one members shall constitute a quorum and a majority of the quorum may take action.

The operating expenses of this committee shall be paid from the contingent expense fund of the Senate and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee; and, be it further

RESOLVED, that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Oscar H. Mauzy
Chairman of the Caucus

/s/Chet Brooks
Secretary of the Caucus

The resolution was read and was adopted.

SPECIAL COMMITTEE APPOINTMENTS

The President announced the following Special Committee Appointments:

SENATE INTERIM COMMITTEE TO STUDY THE
TEXAS DISASTER ACT
Senators Ogg, Chairman; Truan, Vice-Chairman and Brown

INTERIM COMMITTEE ON RULES OF EVIDENCE
Senators Caperton, Chairman; Mauzy, Vice-Chairman
and Glasgow

GOVERNOR'S TASK FORCE ON HIGHER EDUCATION
Former State Senator Jack Strong

AD HOC COMMITTEE ON FEDERAL BLOCK GRANTS
Senators Brooks, Farabee and Jones

THE SPECIAL COMMITTEE ON DIABETES SERVICES IN TEXAS
Senators Parker and Williams

THE JOINT COMMITTEE TO STUDY THE NEEDS OF AUTISTIC
CITIZENS
Senators Brooks and Snelson

TEXAS ENERGY AND NATURAL RESOURCES ADVISORY
COUNCIL
Senators Meier and McKnight

TEXAS COORDINATING COMMISSION FOR STATE HEALTH
AND WELFARE SERVICES
Senators Farabee, Brooks and Parker

TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL
RELATIONS
Senators Parker, Traeger and Mauzy

LEGISLATIVE AUDIT COMMITTEE
Senators Jones and Farabee

THE STATE-MUNICIPAL PLANNING STUDY COMMITTEE
Senators Doggett, Chairman; Blake, Vice-Chairman;
Caperton, Traeger and Richards

NATURAL ENERGY AND WATER RESOURCES COMPACT
Senator Santiesteban

STUDY ON VOCATIONAL-OCCUPATIONAL EDUCATION
Senators Jones, Vice-Chairman and Uribe

THE TEXAS SENATE OVERSIGHT COMMITTEE
Senators Santiesteban, Ogg, Snelson,
McKnight and Mauzy

**ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM,
FIRST CALLED SESSION OF THE SIXTY-SEVENTH LEGISLATURE**

The President announced the election of the President Pro Tempore as the next order of business.

Senator Snelson nominated Senator Walter H. Mengden, Jr., of Houston as President Pro Tempore Ad Interim for the First Called Session of the 67th Legislature.

Senators Traeger, Doggett, Sarpalius, Andujar, Santiesteban, Parker, Leedom, Brooks, Vale, Williams, Ogg and Mauzy seconded the nomination.

On motion of Senator Snelson and by unanimous consent, Senator Mengden was elected by acclamation.

Senators Andujar, Leedom, Traeger, Meier, Brooks and Harris were appointed by the President to escort Senator Mengden to the President's Rostrum.

The President presented Senator Mengden to the Senate as their President Pro Tempore Ad Interim, First Called Session.

Senator Mengden addressed the Senate, expressing his appreciation for the opportunity to serve.

MOTION IN WRITING

Senator Mauzy submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and adopted.

The President announced the appointment of the following Committee to Notify the House of Representatives: Senators Uribe, Vale, Traeger, Santiesteban and Howard.

MOTION IN WRITING

Senator Mauzy submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and adopted.

The President announced the appointment of the following Committee to Notify the Governor: Senators Andujar, Leedom, Traeger, Harris, Meier and Brooks.

HOUSE JOINT RESOLUTION 1

Senator Wilson inquired of the Chair the legislative status of **H.J.R. 1**.

The President responded that the resolution was in the physical possession of the Senate, having been returned by the House with a Message that the House had discharged their conference committee and refused to concur in Senate amendments.

Senator Blake inquired what action the Senate could take on the resolution.

The President stated the Senate could reconsider the vote by which the resolution was finally passed in the Senate.

Senator Leedom moved that the Senate reconsider the vote by which the Senate passed **H.J.R. 1**.

Senator Snelson requested the President read the final endorsement by the House on the resolution.

The President stated the last endorsement read, "August 11, 1981, Received from the Senate with amendments.", and further stated that the next line reading "House concurs or refused to concur" was not endorsed in any manner.

Senator Snelson raised a Point of Order against further consideration of **H.J.R. 1**.

The President sustained the Point of Order.

HOUSE NOTIFIED

The Committee to Notify the House that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Howard for the Committee reported that the Committee had performed the duty assigned to it.

The President discharged the Committee.

GOVERNOR NOTIFIED

The Committee to Notify the Governor that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senators Snelson and Harris for the Committee reported that the Committee had performed the duty assigned to it.

The President discharged the Committee.

MOTION TO ADJOURN SINE DIE

Senator Mauzy moved that the Senate at 5:39 o'clock p.m. adjourn sine die pending completion of administrative duties of the staff and the President.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.B. 28

S.B. 35 (Signed subject to Sec. 49a,
Article III, Constitution of
State of Texas)

S.B. 41 (Signed subject to Sec. 49a,
Article III, Constitution of
State of Texas)

H.C.R. 8

H.C.R. 33

H.C.R. 38

H.C.R. 41

H.C.R. 42

H.C.R. 46

H.B. 3

MEMORIAL RESOLUTION

S.R. 194 - By Doggett: Memorial resolution for Judge J. W. Mills.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 168 - By Doggett: Paying tribute to Mrs. Lunelle Anderson.

S.R. 190 - By Truan: Commending Johnny Canales.

S.R. 192 - By Brown: Extending welcome to the First United Methodist Church of Lake Jackson.

S.R. 193 - By Doggett: Extending congratulations to the Austin All City Mass Male Chorus.

S.R. 198 - By Ogg: Extending congratulations to T. R. Coney for his fine service as a law enforcement officer.

S.R. 199 - By Doggett: Extending welcome to the 66th Anniversary Conference of the Order of the Arrow.

S.R. 201 - By Ogg: Commending Dr. Ferol M. Robinson for his illustrious service while Vice-President for University Affairs at Sam Houston State University.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the First Called Session of the 67th Legislature had arrived.

Senator Farabee moved that the Senate at 5:52 o'clock p.m. stand adjourned sine die.

The motion prevailed and the President declared the First Called Session of the 67th Legislature adjourned sine die.

APPENDIX

Signed by Governor
(August 6, 1981)

S.C.R. 13

(August 10, 1981)

S.C.R. 2

S.C.R. 22

Sent to Governor
(August 11, 1981)

S.B. 1
S.B. 16
S.B. 17
S.B. 14
S.B. 21
S.B. 26
S.B. 28
S.C.R. 14
S.C.R. 15
S.C.R. 16
S.C.R. 19
S.C.R. 20
S.C.R. 23
S.C.R. 25
S.C.R. 26
S.C.R. 28
S.C.R. 27
S.C.R. 10
S.J.R. 8

Sent to Comptroller
(August 11, 1981)

S.B. 35
S.B. 41

Signed by Governor
(August 11, 1981)

S.C.R. 14
S.C.R. 15
S.C.R. 16
S.C.R. 19
S.C.R. 20
S.C.R. 25
S.C.R. 26
S.C.R. 27
H.C.R. 6
H.C.R. 13
H.C.R. 24
H.C.R. 43
S.C.R. 28
H.C.R. 18
H.C.R. 19
H.C.R. 31
H.C.R. 32

Signed by Governor
(August 12, 1981)

S.C.R. 10
H.C.R. 44
H.C.R. 8
H.C.R. 38
H.C.R. 42
H.C.R. 46

Sent to Governor
(August 13, 1981)

S.B. 35
S.B. 41

Signed by Governor
(August 14, 1981)

H.B. 3 Effective November 10, 1981
H.J.R. 4
H.J.R. 6
S.J.R. 8
H.B. 8 Effective November 10, 1981
S.B. 1 Effective November 10, 1981
S.B. 14 Effective January 1, 1982
S.B. 41 Effective immediately
S.B. 26 Effective November 10, 1981
S.B. 35 Effective November 10, 1981
S.B. 16 Effective November 10, 1981
S.B. 21 Effective immediately
S.B. 17 Effective November 10, 1981
S.B. 28 Effective immediately
H.B. 30 Effective immediately
H.B. 151 Effective immediately

H.B. 120 Effective immediately
H.B. 138 Effective November 10, 1981
H.B. 100 Effective November 10, 1981
H.B. 126 Effective November 10, 1981
H.B. 62 Effective immediately
H.B. 113 Effective immediately
H.B. 142 Effective immediately
H.B. 147 Effective immediately
H.B. 153 Effective immediately
H.B. 156 Effective immediately
S.C.R. 23
H.C.R. 33

Signed by Governor
(August 18, 1981)

H.B. 159 Effective November 10, 1981

Signed by Governor
(August 31, 1981)

H.B. 162 Effective November 10, 1981

PROCLAMATION BY THE GOVERNOR

The following Proclamation by the Governor states the reason for vetoing a bill or resolution:

41-1833

August 14, 1981

Pursuant to Article IV, Section 14 of the Constitution of Texas, I hereby veto H.C.R. 41, because of the following objections:

It has been my practice to sign House and Senate Concurrent Resolutions, as they have traditionally been an expression of the Legislature's opinion on various matters. This resolution, however, places the Legislature squarely in the middle of a clash between corporations involved in a "stock war". This is not the first time stock wars have taken place between corporations, and it will not be the last. This one deals with a Texas based airline, Texas International Airlines, and a California based airline, Continental Airlines. Both Continental and Texas International have provided good air service to Texas for many years. The matter is also currently in litigation.

Although the resolution ostensibly deals with the commending of Continental Airlines Employee Stock Ownership Trust, it actually, therefore, takes side in the dispute because that is what the litigation is about. I do not feel the Legislature should involve itself in purely business matters by taking sides in such matters.

Therefore, I veto H.C.R. 41.

Respectfully,

William P. Clements, Jr.
Governor

In Memory

of

The Honorable Robert W. Hamilton

Senator McKnight offered the following resolution:

(Senate Resolution 200)

WHEREAS, Robert W. Hamilton, former Texas Supreme Court Justice, died on Sunday, August 9, 1981 at the age of 82; and

WHEREAS, Judge Hamilton served on the Texas Supreme Court from 1958 until 1970 when he retired from office; and

WHEREAS, After receiving a law degree from The University of Texas at Austin, he began his law practice in Tyler in 1927. He later served as Martin County Attorney and District Attorney for the 70th Judicial District, where he became district judge in 1950; and

WHEREAS, Judge Hamilton was appointed Chief Justice of the Court of Civil Appeals in El Paso in 1953 and, in 1958, he was elected Associate Justice of the Texas Supreme Court; and

WHEREAS, Throughout his outstanding judicial career, Judge Hamilton embodied the judgment and compassion which are at the heart of our judicial system and distinguished himself for his vision and dedication; and

WHEREAS, Judge Hamilton is survived by his wife, Lois; one son, Robert W. Hamilton Jr.; two daughters, Mrs. T. C. Gunning, Jr. and Mrs. Edward Kutch, and seven grandchildren, now, therefore be it

RESOLVED, That on this day, the Senate of the State of Texas, 67th Legislature, First Called Session, honor the memory of Robert W. Hamilton and extend its sympathy to his family and his many friends; and, be it further

RESOLVED, That copies of this Resolution be prepared, under the Seal of the Senate, and presented to Judge Hamilton's family as a tribute to him, and when the Senate adjourns this day, it do so in his memory.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator McKnight and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

